

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WILLIAM FLOWERS,

Plaintiff,

VS.

**DETROIT, CITY OF,
et al.,**

Defendants.

CIVIL ACTION NO. 06-CV-12849-DT

DISTRICT JUDGE MARIANNE O. BATTANI

MAGISTRATE JUDGE MONA K. MAJZOUN

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**OPINION AND ORDER GRANTING IN PART AND DENYING IN PART
PLAINTIFF'S MOTION TO COMPEL DEPOSITIONS AND DISCOVERY**

This matter comes before the Court on Plaintiff's Motion to Compel Discovery filed on May 14, 2007. (Docket no. 29). Defendants filed a Response brief. (Docket no. 34). The Court heard argument from counsel on June 27, 2007. The matter has been referred to the undersigned for decision pursuant to 28 U.S.C. § 636(b)(1)(A). (Docket no. 30). The matter is now ready for ruling.

This is an action alleging false arrest, malicious prosecution, Fourth Amendment violations, and other claims against Defendant City of Detroit and Detroit police officers. The parties had resolved several issues prior to the June 27 hearing. They had resolved the first issue regarding the depositions of Defendants. The parties had also resolved the second issue regarding Defendants' response to Plaintiff's Second Request for the Production of Documents. They had partially resolved Issues 4 and 5 regarding the Defendants' disclosure of records of citizen complaints. Defendants' counsel agreed at the June 27 hearing to revise Defendants' response to this request to state that after diligent search of police records the requested documents are not within the custody or control of Defendants, if this is indeed Defendants' position. Defendants' counsel will describe the reasonableness of his search and

the details of what his search included. With that revised response, the Court considers Issues 4 and 5 to be resolved.

Issue 3 still remains to be considered by the Court. Plaintiff alleges that certain of Defendants' responses to his First Set of Interrogatories are non-responsive. The Court at the June 27 hearing ruled on each interrogatory at issue. This Order memorializes those decisions. The Court also ruled that Officer Jackson will sign a copy of Defendants' Answers to Plaintiff's First Set of Interrogatories within 10 days. Officer Fisher had refused to sign Defendants' Answers based on his lack of knowledge and memory. Officer Fisher will serve separate answers to these interrogatories within 10 days so that he can give his own answers and sign his own responsive document.

For Interrogatory 3, Defendants will revise their answer to state the name, rank and precinct of the officers who arrived at the murder scene.

For Interrogatory 5, Defendants will revise their answer to include the gist of the information disclosed in their response to the court (docket no. 34) on this question.

For Interrogatory 6, Defendants will revise their answer to this question disclosing the information requested rather than referring to documents.

For Interrogatories 8 and 9, Plaintiff's motion to compel is denied because he failed to provide the Court with the necessary documents to rule on these issues.

For Interrogatory 10, Defendants will revise their answer with the information requested with the exception of the personal addresses or phone numbers of the officers. The business addresses and numbers will be sufficient.

For Interrogatory 18, Defendants will revise their answer to state whether Plaintiff signed an Advice of Constitutional Rights form.

For Interrogatory 21, Defendants will revise their answer to disclose the name and rank of the officers as well as their business addresses and phone numbers.

Finally, for Interrogatory 24, Defendants will revise their answer to state to the best of their knowledge the approximate time that Plaintiff was handcuffed.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Compel (docket no. 29) is **GRANTED IN PART AND DENIED IN PART** as set out above.

IT IS FURTHER ORDERED that Defendants will serve their revised answers and responses as set out above on or before 5:00 p.m. on July 27, 2007.

IT IS FURTHER ORDERED that on or before 5:00 p.m. on July 9, 2007, Officers Fisher and Jackson will serve their revised Answers to Interrogatories as set out above.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: June 28, 2007

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that copy of this Order was served upon Counsel of Record on this date.

Date: June 28, 2007

s/ Lisa C. Bartlett
Courtroom Deputy